

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re: )  
 )  
PRESIDENT CASINOS, INC., ) Case No. 02-53005-659  
 ) Judge Kathy A. Surratt-States  
 ) Chapter 11  
Debtor. )  
 )  
PRESIDENT CASINOS, INC., ET. AL. ) **Adversary No. 06-4036-659**  
 )  
 )  
Plaintiffs, )  
 )  
-v- )  
 )  
COLUMBIA SUSSEX CORPORATION, and )  
WIMAR TAHOE CORPORATION, )  
 )  
Defendants. )

**ORDER**

Upon consideration of the record as a whole, and consistent with the Findings of Fact  
and Conclusions of Law entered separately in this matter,

**IT IS ORDERED THAT** Debtors' Motion for Summary Judgment is GRANTED as to Count  
II of Debtors' Complaint in that Columbia Sussex committed a *prima facie* tort by substantially  
increasing the validation rates on the Cherrick Lot that was critical to Debtors' business and  
increasing the rates to pressure Debtors into not pursuing a suit against Defendants and Debtors  
suffered damages in the amount of higher validation rates paid and for providing valet, shuttle  
service and substitute parking arrangements to its patrons until they obtained the TRO and  
preliminary injunction; and

The judgment on Count II is entered in favor of Debtors and against Defendants in the  
amount of: \$382,884.00, which is the difference between the higher validation rate paid from  
December 16 to 30, 2005 and the amount paid for providing valet, shuttle service and substitute  
parking arrangements from December 31, 2005 to February 10, 2006; and

**IT IS FURTHER ORDERED THAT** Debtors' Motion for Summary Judgment is GRANTED as to Counterclaim II in that Debtors did not breach the confidentiality agreement in that there was no agreement; and

The judgment on Counterclaim II is entered in favor of Debtors and against Defendants; and

**IT IS FURTHER ORDERED THAT** Debtors' Motion for Summary Judgment is GRANTED as to Counterclaims III, IV and V in that there was no unjust enrichment to Debtors in paying the lower validation rate and therefore no restitution is owed; and

The judgment on Counterclaims III, IV and V are entered in favor of Debtors and against Defendants; and

**IT IS FURTHER ORDERED THAT** Defendants' Motion for Summary Judgment is GRANTED as to Count I of Debtors' Complaint in that Defendants did not breach the Purchase Agreement in that Debtors cannot show that but for Columbia Sussex's withdrawal of the gaming application, MGC would have issued a license; and

The judgment on Count I is entered in favor of Defendants and against Debtors; and

**IT IS FURTHER ORDERED THAT** Defendants' Motion for Summary Judgment is GRANTED as to Counterclaim I in that Debtors have breached the Purchase Agreement because Debtors have failed to return Columbia Sussex's deposit despite request for return; and

The judgment on Counterclaim I is entered in favor of Defendants and against Debtors for return of Defendants' deposit; and

This is the final judgment and Order of the Bankruptcy Court in this case.

Kathy A. Surratt - States  
KATHY A. SURRETT-STATES  
United States Bankruptcy Judge

DATED: December 27, 2007  
St. Louis, Missouri

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